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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,546

Applicant(s)

WATANABE, MIKIO

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claims 2 and 3 are objected to because of the following informalities:

In claims 2 and 3, the term "either" is used to indicate a choice of one of two limitations, but the term "and" is used to include both limitations. The term "and" should be replaced with "or" in both claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 13, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Catanzaro et al., US 5,502,727.**

In regard to claim 13, Catanzaro et al., US 5,502,727, discloses an image communication system in which an image processing apparatus (see Catanzaro: figure 1, element 106) and a portable phone (see Catanzaro: figure 1, element 101) can communicate data with each other and the portable phone sets a print mode to produce printout of an image by a printer (see Catanzaro: column 2, lines 65 to column 3, line 5), [The enhanced phones can be moved from place to place and are therefore portable.] wherein: the image processing apparatus includes:

an image data converting device for converting, when the print mode is set by the portable phone, image data into data suitable for an output format of the printer (see Catanzaro: column 2, lines 65 to column 3, line 5) and [It is inherent that the image processing apparatus converts the image into a printable form since the phone prints out the image in a printing mode.]

a first transmitting device for transmitting, to the portable phone, the image data converted by the image data converting device (see Catanzaro: column 2, lines 32-34); and the portable phone includes:

receiving means for receiving the image data transmitted from the first transmitting device of the image processing apparatus (see Catanzaro: column 2, lines 29-31), and a second transmitting device for transmitting via the telephone line the image data received by the receiving device (see Catanzaro: column 2, lines 46-56).

In regard to claim 15, Catanzaro et al., US 5,502,727, discloses an image processing apparatus constituting an image communication system in which the image processing apparatus (see figure 1, element 106) can communicate data with a portable phone (see figure 1, element 105 and column 2, line 46-49),

[The enhanced phones can be moved from place to place and are therefore portable.] comprising:

an image data converting device for converting, when a print mode is set by the portable phone, image data into data suitable for an output format of a printer (see column 2, lines 65-67);

[It is inherent that the image processing apparatus converts the image into a printable form since the phone prints out the image in a printing mode.] and a transmitting device (see figure 1, element 101) for transmitting, to the portable phone, the image data converted by the image data converting device (see column 2, lines 32-34).

In regard to claim 17, Catanzaro et al., US 5,502,727, discloses an image processing method for use with an image processing apparatus (see figure 1, element 106) constituting an image communication system in which the image processing apparatus can communicate data with a portable phone (see figure 1, element 105),

[The enhanced phones can be moved from place to place and are therefore portable.] comprising the steps of

converting, when a print mode is set by the portable phone, image data into data suitable for an output format of a printer (see column 2, lines 65-67);

[It is inherent that the image processing apparatus converts the image into a printable form since the phone prints out the image in a printing mode.]; and transmitting the image data converted to the portable phone (see column 2, lines 32-34).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1- 6, 8, 9, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka, US 6,104,430 in view of Sacca, US 6,380,967.

In regard to claim 1, Fukuoka, US 6,104,430, discloses an image communication system in which an image processing apparatus (see figure 3, element 30) and a first portable phone (see figure 3, element 32) can communicate data with each other and the first portable phone can communicate with a second portable phone via a telephone line (see column 3, 60-65) and the I/O card sends (figure 3, element 15) an image data reduction instruction from the computers (figure 3, elements 33 and 35) to the image processing apparatus (see column 11, lines 7-21, column 12, lines 46-48, and figure 15, elements S11 & S13-1), wherein the image processing apparatus includes:

an instruction receiving device (see figure 6, element 14) for receiving the image data reduction instruction;

a data quantity reducing device (see figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see column 5, lines 39-45); and

a first image data transmitting device (modem card, see figure 3, element 24) for transmitting, to the first portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see column 5, lines 48-57) and

the first portable phone includes:

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an image data receiving device for receiving the image data sent from the first image data transmitting device of the image processing apparatus (see column 3, lines 57-67).

[It is inherent that the cellular are wireless phone connected to the camera has an image data receiving device to receive the image data to send over the phone line]

Fukouka, US 6,104,430, lacks the first portable phone sending an image data reduction instruction to the image processing apparatus and a second image data transmitting device for transmitting via the telephone line the image data received by the image data receiving device.

Sacca, US 6,380,967, discloses a portable videophone device that transmits video images over a standard telephone line in response to a user command (see column 1, lines 7-10 and figure 1A). The videophones can be moved from place to place and are therefore portable. If the videophone is in remote mode, the user can monitor their home or office from a remote location. They can call the answering machine of the videophone and input commands into the phone to have the videophone capture an image and send it at high resolution or low resolution. Low resolution is the default, but the user can enter an instruction into their phone that is sent to the videophone to instruct the image processing apparatus to change to high resolution. (see column 10, line 65 to column 11, lines 18)

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, to have to remote answering system so that the first portable phone sends an image data reduction

instruction to the image processing apparatus in order to sent a high or low resolution image and the first portable phone also having a second image data transmission device for monitoring a house or office remotely, as taught by Sacca, US 6,380,967.

In regard to claim 2, Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, as described in regard to claim 1, discloses an image communication system according to claim 1, wherein the data quantity reducing device conducts at least either one of re-size processing of an image represented by image data, data compression processing of image data (see Fukouka : column 5, lines 39-47), and bit reduction processing to delete low-order bits of image data.

In regard to claim 3, Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, as described in regard to claim 1, discloses an image communication system according to claim 1, wherein the image processing apparatus further includes an input device (see figure 6, element 21) for inputting an image data reduction instruction (see Fukouka: figure 6, element 14);

and the data quantity reducing device of the image processing apparatus conducts image data reduction processing according to at least either one of an image data reduction instruction inputted from the input device and an image data reduction instruction received by the instruction receiving device (see Fukouka: figure 15 and column 12, lines 40-48).

In regard to claim 4, Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, as described in regard to claim 1, discloses an image communication system according to claim 3, wherein the image processing apparatus further includes a device for setting a transmission mode of image data (see Fukouka: figure 6, element 14), the first image data

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transmitting device of the image processing apparatus transmits image data to the first portable phone when the transmission mode is set (see Sacca: column 10, lines 51-55), and the image data quantity reduction processing is executed, when the transmission mode is set, according to an image data reduction instruction received by the instruction receiving device (see Fukouka: column 5, lines 39-57).

In regard to claim 5, Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, as described in regard to claim 1, discloses an image communication system according to claim 1, wherein:

the first portable phone includes a reduction ratio receiving device for receiving data representing a reduction ratio sent from the second portable phone via the telephone line (see Sacca: column 10, line 65 to column 11, lines 18)

and a reduction ratio transmitting device for transmitting, to the image processing apparatus, the reduction ratio data received by the reduction ratio receiving device (see Sacca: column 11, lines 8-13);

[It is inherent that the phone has a transmitting device for the image processing device to receive the instruction.]

the image processing apparatus further includes a reduction ratio data receiving device (see Fukouka: figure 6, element 14) for receiving the reduction ratio data transmitted from the reduction ratio transmitting device of the first portable phone (see Fukouka: column 11, lines 15-29); and

the data quantity reducing device (see Fukouka: figure 6, element 12) reduces image data according to a reduction ratio associated with the reduction

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ratio data received by the reduction ratio data receiving device (see Fukouka: column 11, lines 15-29).

In regard to claim 6, Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, as described in regard to claim 1, discloses an image communication system according to claim 1, wherein

at least one of the first portable phone and the image processing apparatus includes detecting means for detecting a data communication speed on the telephone line, and the data quantity reducing device of the image processing apparatus increases a quantity of data reduction when a slower communication speed is detected by the detecting means (see Fukouka: figure 15 and column 12 , lines 40-48).

In regard to claim 8, Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, as described in regard to claim 1, discloses an image communication system according to claim 1, wherein

the image processing apparatus includes an image data recording device (see Fukouka: figure 6, element 12) for compressing image data received and for recording the image data compressed on a recording medium (see Fukouka: column 5, lines 48-57).

Fukouka does not explicitly state that the image data quantity reducing device reduces the data quantity of image data by compressing the image data according to a compression ratio higher than a compression ratio used to compress data in the recording of the data on the recording medium.

It is clear that the compression device would use the lowest compression ratio in order to save the highest quality image for stored image data. It is also clear that there will be occasions when bandwidth limitations will cause a very low resolution image to be required for transmission (see column 12, lines 40-42). Therefore it is clear that there will be occasion in Fukuoka when the image data quantity reducing device reduces the data quantity of image data by compressing the image data according to a compression ratio higher than a compression ratio used to compress data in the recording of the data on the recording medium.

In regard to claim 9, it would have been obvious to a person skilled in the art, at the time of invention to design Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, wherein

the image processing apparatus includes an image data recording device (see Fukuoka: figure 6, element 12) for compressing image data received and for recording the image data compressed on a recording medium (see Fukuoka: column 5, lines 48-57).

Fukuoka does not disclose that the image data quantity reducing device compresses data in a method different from a data compression method employed in the recording of the image data on the recording medium in order to transfer the image over a certain bandwidth. However such would have been obvious as discussed with regard to claim 8.

In regard to claim 14, Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as described in regard to claim 1, discloses an image processing apparatus constituting an image communication system in which the image processing apparatus (see Fukuoka:

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figure 3, element 30) can communicate data with a portable phone (see Fukouka: figure 3, element 32), comprising:

an instruction receiving device (see Fukouka: figure 6, element 14) for receiving an image data reduction instruction sent from the portable phone (see Sacca: column 11, lines 8-13);

a data quantity reducing device (see Fukouka: figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see Fukouka: column 5, lines 39-45); and

an image data transmitting device (modem, see Fukouka: figure 3, element 24) for transmitting, to the portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see Fukouka: column 5, lines 48-57).

In regard to claim 16, Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, as described in regard to claim 1, discloses an image processing method for use with an image processing apparatus constituting an image communication system in which the image processing apparatus can communicate data with a portable phone (see Fukouka: column 3, line 54 to column 4, line 8), comprising the steps of receiving an image data reduction instruction sent from the portable phone (see Sacca: column 11, lines 8-13);

reducing a data quantity of image data according to the image data reduction instruction received (see Fukouka: column 5, lines 39-45); and

transmitting, to the portable phone, the image data of which the data quantity is reduced (see Fukouka: column 5, lines 48-57).

6. Claims 7 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, and further in view of Catanzaro et al., US 5,502,727.

In regard to claim 7, Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, discloses an image communication system according to claim 1, but lacks wherein

the first portable phone includes a mode notifying device for notifying modes available in the first portable phone, the modes including an image data transmission mode, and

the first portable phone transmits, when the image data transmission mode is selected from the modes notified by the mode notifying device, the image data reduction instruction to the image processing apparatus.

Catanzaro et al., US 5,502,727, discloses a videophone system wherein the portable enhanced phone (see figure 1, element 105) includes a keyboard (figure 3) with a image capture mode key (319), storage mode key (313), image transmission mode (310), and other modes. The enhanced phones can be moved from place to place and are therefore portable. When the user presses the send button, a connection is established with another phone and the image is sent along with audio (see column 6, line 59-63 and (column 8, lines 41-49).

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, and further in view of Catanzaro et al., US 5,502,727, wherein

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the first portable phone includes a mode notifying device for notifying modes available in the first portable phone, the modes including an image data transmission mode, and

the first portable phone transmits, when the image data transmission mode is selected from the modes notified by the mode notifying device, the image data reduction instruction to the image processing apparatus in order to allow the caller on the first phone to send images to the caller on a second phone (see Catanzaro: column 6, lines 59-61).

In regard to claim 11, Fukuoka, US 6,104,430, discloses an image communication system according to claim 1, wherein computers (see figure 3, elements 33 and 34) and television (37) further includes a device for transmitting a transmission instruction of image data for printout (see figure 3, element 15) to the image processing apparatus, the image processing apparatus includes (see column 3, lines 57-59 and column 4, lines 9-29):

a device (see figure 3, element 15 and figure 6, element 26) for receiving the print image data transmission instruction transmitted from these devices (see column 3, lines 57-59 and column 4, lines 9-29); and

control means for terminating the data quantity reduction processing by the image data quantity reducing device in response to reception of the print image data transmission instruction and for transmitting the image data before the data quantity reduction processing to the first portable phone (see column 3, lines 57-59 and column 5, lines 36-38)

[The image processing apparatus sends the image data before compression without having to terminate quantity reduction processing using the video signal output].

Fukuoka, US 6,104,430, does not mention that the phone could send a transmission signal to the processing apparatus so that the phone could print out the image if it was connected to a printer. Catanzaro et al., US 5,502,727, discloses an image communication system (see figure 1) wherein the portable videophones (see figure 1, element 105) “can provide a hard copy of the displayed image via a separate video or laser printer 110 or via a printer of PC 113 (see column 2, lines 65-75).” The system includes a camera that when detached from the phone can take pictures and when attached to the phone, pictures from the camera are sent (see column 2, lines 29-35).

It would have been obvious to a person skilled in the art, at the time of invention, to telephone modify the telephone of Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, and further in view of Catanzaro et al, US 5,502,727, to have the first phone further include a device for transmitting a transmission instruction of image data for printout to the image processing apparatus, the image processing apparatus includes:

a device for receiving the print image data transmission instruction transmitted from these devices; and

control means for terminating the data quantity reduction processing by the image data quantity reducing device in response to reception of the print image data transmission instruction and for transmitting the image data before the

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data quantity reduction processing to the first portable phone in order to make it simpler in order to obtain photographic prints of the desired image or to transfer the electronic image to a suitable device for further processing or viewing as taught by Fukuoka, US 6,104,430 (see column 1, lines 25-55).

In regard to claim 12, Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, and further in view of Catanzaro et al, US 5,502,727, as described in regard to claim 11, discloses an image communication system according to claim 1, wherein

the first portable phone includes a print mode setting device for setting a print mode in which a printer produces printout of an image (see Catanzaro: column 2, lines 65-67) and the image processing apparatus includes an image data converting device for converting (see Fukuoka: figure 3, element 15), when a print mode is set by the first portable phone, the image data to be transmitted to the first portable phone into data suitable for an output format of the printer (see Catanzaro: Figure 1).

The outputs from the camera (106) received by the enhanced phone (105) are then printed on printer (110) or by PC (113).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, and further in view of Shiohara, US 6,618,553.

In regard to claim 10, Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, discloses an image communication system according to claim 1, but lacks wherein the image data of which the data quantity is to be reduced is associated with thumb-nail data, the first image transmitting device of the image

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processing apparatus transmits the thumbnail image data when the data quantity of the image data after the reduction of image data by the data quantity reducing means is in the vicinity of a data quantity of the thumbnail image data.

Shiohara, US 6,618,553, discloses a camera that transfers thumbnail data (see column 3, lines 1-23) to a portable phone in order to transfer image data over a wireless connection to print the image (see column 7, lines 49-56).

It would have been obvious to a person skilled in the art, at the time of invention to modify Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, and further in view of Shiohara, US 6,618,553, to have the first image transmitting device of the image processing apparatus transmits the thumbnail image data when the data quantity of the image data after the reduction of image data by the data quantity reducing means is in the vicinity of a data quantity of the thumbnail image data in order to transfer the images over a wireless connect to be printed as taught by Shiohara, US 6,618,553.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art discloses image communication systems with cameras that communicates with phones:

US 5,734,415,

US 5,760,824,

US 6,177,950,

US 5,737,491,

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US 5,666,159.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Vu Le can be reached on 703-308-6613. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

gvs



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